

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3788 of 2019

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1. Shankar Prasad Chaudhary, S/o Late Bhola Chaudhary Resident of Sonbarsha Raj, Main Market, Ward No. 4, Sonbarsha, P.s.-Sonbarsha, Distt.-Saharsa, Bihar, - 852129
 2. Anjali Gupta alias Anjali Devi, W/o Shankar Prasad Chaudhary, Resident of Sonbarsha Raj, Main Market, Ward No. 4, Sonbarsha, P.s.-Sonbarsha, Distt.-Saharsa, Bihar, - 852129
 3. Rohit Kumar, S/o Shankar Prasad Chaudhary, Resident of Sonbarsha Raj, Main Market, Ward No. 4, Sonbarsha, P.s.-Sonbarsha, Distt.-Saharsa, Bihar, - 852129

... .. Petitioner/s

Versus

1. The State of Bihar through Collector, Saharsa
2. Circle Officer Sonbarsha, Saharsa
3. District Land Acquisition Officer Saharsa
4. National Highway Authority of India through Chief Engineer NH-107, Patna
5. National Highway Authority of India NH-107, Saharsa

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. S. A. Alam, Advocate Ms. Anjum Perveen, Advocate
For the Respondent/s	:	Mr. Durjati Kr. Prasad, GP-14 Mr. P. K. Jha, Advocate
For the NHAI	:	Mr. Sri Nath Pathak, Advocate Mr. Saurav Nikunj, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 16-08-2023

Heard learned counsel for the petitioners, learned counsel for the State, and learned counsel for the National Highway Authority of India.

2. The present writ petition has been filed with a prayer to make the payment of the compensation amount



according to the market price fixed by the government.

3. Learned counsel for the petitioners submits that the award has been prepared in the name of the petitioners, but the amount has not been fixed treating it commercial. He further submits that notice with respect to land acquisition under the competent authority has been issued to the petitioner vide Annexure-3 series. He further submits that the petitioners' land has been acquired for the purpose of construction of the National Highway.

4. Learned counsel for the State has filed a counter affidavit in which they raised the objection that the Bihar special law namely, the Bihar Agriculture Land (Conversion for Non-Agriculture Purposes) Act, 2010 (Bihar Act 6 of 2010) is in existence.

5. Learned counsel for the National Highways Authority of India submits that the petitioners' land has been acquired under the provisions of the National Highways Act, 1956 (hereinafter referred to as the 'Act of 1956') and according to which any person who demands more compensation than mentioned in the award has a remedy under Section 3G(5) of the Act of 1956 before the Arbitrator-cum-Divisional Commissioner.



6. In this view of the matter, this writ petition stands disposed of granting liberty to the petitioners to raise his grievances by way of application before the appropriate authority as indicated in Sections 3G(5) & (6) of the Act of 1956 within four weeks from today and the authority concerned is directed to pass a reasoned and speaking order within 9 months from the date of filing of such application.

5. With the aforesaid observation and direction, the writ petition stands disposed of.

(Dr. Anshuman, J)

Ashwini/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	21.08.2023
Transmission Date	NA

